

CHLORPYRIFOS

BACKGROUND:

- In March 2017, EPA denied a 2007 Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) petition seeking the revocation of all chlorpyrifos tolerances and the cancellation of all chlorpyrifos. In our denial, we concluded that the science addressing neurodevelopmental effects requires further evaluation.
- After a rare *en banc* rehearing in this case, following an April 19, 2019 order of the Ninth Circuit, on July 18, 2019, EPA again denied all objections to the Agency's denial of the 2007 petition, on the grounds that the data available are not sufficiently valid, complete or reliable to meet petitioners' burden to present evidence demonstrating that the tolerances are not safe.
- The EPA and the FIFRA Scientific Advisory Panel (SAP) have consistently cited the lack of robustness of these data for deriving a point-of-departure for neurodevelopmental effects for the purpose of quantitative risk assessment.
- EPA has been unable to conduct its own evaluation of the epidemiology study conclusions or address certain issues raised by the SAP without access to the underlying data from those studies. Those studies are central to petitioners' claims that chlorpyrifos exposure results in adverse neurodevelopmental effects, but the study authors have not provided that information to the EPA.

KEY POINTS:

- In the denial of July 18, 2019, OCSPP announced that updated drinking water and human health assessments would be released in Summer 2020 and a proposed interim decision for chlorpyrifos would be released for public comment by October 2020.
- EPA is committed to completing its review of chlorpyrifos in advance of the 2022 statutory deadline.
- Notwithstanding, there is already ongoing litigation regarding EPA's July 18, 2019 denial.
- At the state level, California's ban on sales went into effect on February 6, 2020. New York's ban goes into effect in 2021 and Hawaii's in 2022. Oregon, Connecticut and New Jersey also have bills to take chlorpyrifos off the market.
- The European Union (EU) voted in December 2019 against the renewal of chlorpyrifos, allowing its registration and all food tolerances to expire on January 31, 2020. This decision will have significant ramification for domestic growers who export their crops to the EU.
- The primary manufacturer, Corteva, announced on February 6, 2020, that it would stop making chlorpyrifos by the end of the year, citing declining sales
- Agriculture committee members have expressed support for the availability of chlorpyrifos as an important tool for farmers

Quality of the Data - EPA's Assessment

- The issues petitioners raised concerning potential neurodevelopmental effects of chlorpyrifos require further evaluation and will be addressed through EPA's ongoing registration review of chlorpyrifos, which should be completed well before the 2022 statutory deadline.
- A critical piece of this updated analysis is the consideration of the use of surface water monitoring data to confidently estimate pesticide concentrations in surface water that may be sourced by community water systems. The SAP met in November 2019 to provide feedback on tools and methodologies currently in development for using surface water monitoring data quantitatively in drinking water assessments.

- EPA has been engaged in discussions with the chlorpyrifos registrants that could result in further use limitations affecting the outcome of EPA's assessment.

TALKING POINTS:

- EPA anticipates seeking public comment on updates to the human health and drinking water assessments in the summer of 2020 and, by October 2020, on the Proposed Interim Decision incorporating the updated assessments.
- EPA's updated assessments will present a more complete and accurate picture of the risks of chlorpyrifos.
- EPA intends to complete its registration review determination well in advance of the October 2022 statutory deadline.